



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re PATENT application of :
Hiroyuki Fukunaga : Group Art Unit TBA
Application No. 10/761,223 : Confirmation No. 2739
Filed January 22, 2004 : Examiner TBA

Title: METHOD OF MANUFACTURING NONVOLATILE SEMICONDUCTOR
STORAGE

**PETITION IN RESPONSE TO NOTICE
OF INCOMPLETE PROVISIONAL APPLICATION**

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petitions
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Applicant, by the undersigned, hereby petitions that the above-identified application be granted a filing date of January 22, 2004. The facts related to this petition are as follows:

1. On January 22, 2004, Applicant filed the above-identified application papers, including: (1) Transmittal form; (2) Recordation Form Cover Sheet and executed Assignment; (3) 23 pages of specification, claims and abstract; (4) executed Declaration and Power of Attorney form; (5) 5 sheets of drawings; (6) IDS, PTO-1449 form, and 4 references; and (7) \$810.00 filing fee. Copies of two returned postcard receipts are attached.

09/30/2004 JADD01 00000036 10761223

01 FC:1460

130.00 0P

2. On August 4, 2004, the Patent Office issued a Notice of Incomplete Nonprovisional Application, a copy of which is attached. The Notice alleges that the application was submitted without drawings and without an executed Declaration. The Notice further alleges that pages 21-23 of the specification (which includes the abstract) were not submitted.

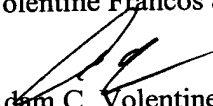
As evidenced by the returned postcard receipts, on January 22, 2004, the application was submitted with drawings, an executed Declaration, and 23 pages of specification, claims and abstract. It appears that these papers have been misplaced within the Patent Office, and accordingly copies are attached.

For the reasons stated above, Applicant contends that the above-identified application is entitled to a filing date of January 22, 2004.

A petition fee in the amount of \$130.00 is attached. However, since the application is entitled to a filing date of January 22, 2004, it is requested that the petition fee be refunded to the undersigned's deposit account no. 50-0238.

Respectfully submitted,

Valentine Francos & Whitt, PLLC



Adam C. Valentine
Reg. No. 33289

One Freedom Square
11951 Freedom Drive, Suite 1260
Reston VA 20190
Tel. (703) 715-0870

Date: September 29, 2004

